

Ordinance_____

An ordinance providing for vendor requirements for the display for sale and sale of fireworks as referenced under the International Fire Code (2006 edition) and adopted by the City of Byram.

Whereas, many cultures use fireworks as a form of expressing celebration for their culture, customs and heritage, and

Whereas, the City of Byram wishes to prevent injury or damage as it relates to the display for sale and the retail sales of fireworks as a result, and

Whereas, it is the intent of the City of Byram to address the spirit of International Fire Code , while not impeding the opportunity for free commerce, but in keeping with the responsibility of the City to provide code enforcement.

Now, therefore, be it ordained by the Board of Alderman for the City of Byram, MS.

Section 1. Definitions:

CITY: City of Byram

FIRE OFFICIAL: The Fire Chief or his designee.

FIRE DEPARTMENT: City of Byram Fire Department to include all authorized representatives of the department.

FIREWORKS: Any composition or device for the purpose of producing a visible or an audible effect for the entertainment purposes by combustion, deflagration, or detonation that meets the definition of 1.4G fireworks or 1.3G fireworks as set forth within the IFC.

NET EXPLOSIVE WEIGHT (net weight). The weight of explosive material expressed in pounds. The net explosive weight is the aggregate amount of explosive material contained within buildings, magazines, structures or any portions thereof, used to establish quantity-distance relationships.

ZONING AND PLANNING DEPARTMENT: The City of Byram Zoning and Planning department to include all authorized representatives of the department.

Section 2. Application:

STORAGE, SALE AND HANDLING. (a) Fireworks shall not be sold or kept for sale in a place of business where paints, oils, varnishes, turpentine or gasoline, or other flammable substances are kept. An approved and fully charged fire extinguisher must be provided for each 1000 square feet of space inside the area established as a sales structure and kept in close proximity to the stock of

fireworks in all structures where fireworks are sold. All fire extinguishers required herein shall be at least of type A standard (2A-10BC).

(b) Dates of sale shall start no sooner than (7) days prior to the holiday as specified by this ordinance and no sales (1) day following the holiday.

(c) Holidays recognized for the purpose of sale shall be: the 4th day of July, the 25th day of December, and the 1st day of January.

(d) Retail Sales Restricted. Persons desiring to sell fireworks at retail in the city shall secure a permit each year from the city clerk. Such permit shall be issued upon payment of the required fee

(e) All retailers are forbidden to expose fireworks where the sun shines through glass on the merchandise displayed, except where fireworks are in the original package, and all fireworks kept for sale on front counters must remain in original packages, except where an attendant is on constant duty or the firework is equipped with a threaded safety fuse. All retail stands will display "No Smoking" signs.

(f) It shall be unlawful for fireworks to be stored, kept, sold or discharged within 200 feet of any gasoline pump, gasoline filling station, gasoline bulk station or any building in which gasoline or volatile liquids are sold.

(g) It shall be unlawful to offer for sale any fireworks of a type that have not been tested and approved for sale and use within the State of Mississippi by the state fire marshal. All new pieces of fireworks not having been tested by the state fire marshal shall be submitted to the state fire marshal for test and approval or rejection before being offered for sale to retailers or individuals within the city. It shall be unlawful to sell any fireworks item that is not properly labeled as to the manufacturer and contents of the item. It shall be unlawful to sell, possess, manufacture, fire or transport, except as provided herein, all fireworks as defined herein, not bearing the label "I.C.C. or D.O.T. Class C common fireworks."

(h) Age requirement. No fireworks shall be sold to any person under the age of sixteen (16) years.

APPLICATION FOR PERMIT. (a) An applicant for permit for sale of fireworks shall file a written application duly subscribed and sworn to by the applicant.

(b) Such application shall set forth the following:

(1) The name of the association, organization or corporation, together with the names of the persons to be in charge of the sales;

(2) The dates and time of the day at which the sales are to be held;

(3) A diagram/ sketch of the location to serve as a sales location. To be included in the diagram are;

a) Arrow indicating NORTH,

b) Structure location, all (streets, roads, drives, alleys, – public or private), Utilities that will service site, closest fire hydrant, any and all structures (inhabited or uninhabited) within 600 feet.

- c) Ingress and egress for public, off road parking accommodations.
- d) Temporarily erected structures shall be no closer than 40 feet to the property right-of-way.
- e) Any on-site staff accommodations used at the sales location shall comply with all other ordinances and regulatory authorities.

(4) Based on the location of site, movable and immoveable hazardous, distance to traffic lanes, and other specified and unspecified hazards, the Fire Official can set limitations on amount of net explosive materials that may be stored on site of the retail locations.

(5) A license fee for the sale of fireworks at each location shall be in the sum of \$250.00

(6) A structure erected for the sale of fireworks shall comply with those requirements set forth thru this ordinance, and all other city ordinances or regulations. The structure shall be approved for occupancy, including NO SMOKING signs, EXIT signs, and FIRE EXTINGUISHERS.

(7) The Fire Department will confer with the Zoning and Planning Department to insure that neither department has any issues prior to approving the occupancy of the fireworks stand. Occupancy shall include the stocking of items for the sale.

(8) City representatives are authorized to make periodic follow-up checks as deemed necessary to insure continued compliance.

VIOLATION; PENALTY. (a) Violation of any provision of this ordinance shall be unlawful and shall be punishable by a fine of not more than \$1,000, or by imprisonment for a period not exceeding 90 days, or by both such fine and imprisonment in the discretion of the court. Each violation shall constitute a separate offense.

(b) In addition, any violations of the provisions of this ordinance which result in a conviction in the municipal court of the city, or any state court within Mississippi, shall bar the person so convicted from obtaining city permits and licenses relating to fireworks for a period of two years.

EFFECTIVE DATE

This Article shall be effective thirty (30) days from and after the date of its adoption.

THE FOREGOING ORDINANCE, having been reduced to writing,

Alderman _____ moved that said Ordinance be adopted.

Alderman _____ seconded.

The vote was as follows:

Alderman Alday voted: _____

Alderman Douglas voted: _____

Alderman Ford voted: _____

Alderman Marble voted: _____

Alderman White voted: _____

Whereupon the Mayor declared the Motion carried and the Ordinance approved and adopted.

SO ORDAINED, THIS THE _____ DAY OF _____.

CITY OF BYRAM

BY: _____ ATTEST: _____
Nick Tremonte, Mayor Angela Richburg, City Clerk

THIS IS TO CERTIFY that the aforementioned Ordinance was adopted at the regular meeting of the Mayor and Board of Aldermen of the City of Byram, Mississippi, held on _____, and duly recorded in Minute Book _____ Page _____ thereof.

CITY CLERK

Signed _____